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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,407	11/03/2003	Ralph E. Wesinger JR.	GRAPH-002COD	5729

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EXAMINER

ZIA, SYED

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/700,407

Applicant(s)

WESINGER ET AL.

Examiner

Syed Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/04-06/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to application file on November 05, 2003. Original application contained Claims 1-15. Therefore, presently claims 1-15 are pending for consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Vu (U. S. Patent 5,623,601).

1. Regarding Claim 1 Vu teaches and describes secure gateways which serve as firewall between computer networks to inhibit intrusion detection, furthermore Vu teaches and describes a system for providing redirection to a connection received from a computer network, the system comprising: a computer network connection; an association between a virtual host and a

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destination web server; and a web server, said web server having at least one host and being in communication with said association, said at least one host verifying a destination web server in said association and redirecting a client over a computer network to said verified destination web server, said client communicating with said verified destination web server over said computer network connection (col.5 line 30 to col.6 line 43, and col.11 line 1 to line 34, col.12 line 35 to line 60, and col.18 line 38 to line 44).

2. Regarding Claim 2 Vu teaches and describes secure gateways which serve as firewall between computer networks to inhibit intrusion detection, furthermore Vu teaches and describes a system for providing configuration for redirection for a connection received from a computer network, the system comprising: a computer network connection; a web server, said web server having at least one host and being associated with a web site; and a configuration file, said configuration file containing instructions for directing said host to proxy requests to a web site other than the web site associated with the web server (col.5 line 30 to col.6 line 43, and col.11 line 1 to line 34, col.12 line 35 to line 60, and col.18 line 38 to line 44).

3. Regarding Claim 3 Vu teaches and describes secure gateways which serve as firewall between computer networks to inhibit intrusion detection, furthermore Vu teaches and describes a system for providing configuration for redirection for a connection received from a computer network, the system comprising: a computer network connection; a web server, said web server having at least one virtual host and being associated with a web site; and a configuration file, said configuration file containing instructions for directing said virtual host to proxy requests

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across said network connection to a virtual host on different physical machine (col.5 line 30 to col.6 line 43, and col.11 line 1 to line 34, col.12 line 35 to line 60, and col.18 line 38 to line 44).

4. Regarding Claim 4 Vu teaches and describes secure gateways which serve as firewall between computer networks to inhibit intrusion detection, furthermore Vu teaches and describes a system for providing a proxy redirection for a connection received from a computer network, the system comprising: a computer network connection; an association between a first virtual host and a second virtual host, said second virtual host on a different physical machine than said first virtual host; and a web server, said web server having said first virtual host and being in communication with said association, said first virtual host verifying destination and proxying a connection request over said computer network connection to said second virtual host (col.5 line 30 to col.6 line 43, and col.11 line 1 to line 34, col.12 line 35 to line 60, and col.18 line 38 to line 44).

5. Regarding Claim 5 Vu teaches and describes secure gateways which serve as firewall between computer networks to inhibit intrusion detection, furthermore Vu teaches and describes a system for providing server includes for a connection received from a computer network, the system comprising: a computer network connection; an association between a virtual host and server includes; a web server, said web server having at least one virtual host and being in communication with said association, said at least one server includes verifying destination and including the server includes into the connection request over a computer network (col.5 line 30 to col.6 line 43, and col.11 line 1 to line 34, col.12 line 35 to line 60, and col.18 line 38 to line 44).

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6. Claims 6-18 are rejected applied as above rejecting Claim 1-5. Furthermore, Vu teaches and describes firewall for providing network security (Fig.1-4), wherein:

As per Claim 6-10, the server includes comprises testing the connecting browser, the animation player and an IP address, associated with the connecting browser and an associated machine name and user name (col.7 line 29 to col.8 line 22).

As per Claim 11-16, the server includes comprises verifying the connecting browser, the animation player, the IP address and a machine name, and a user name associated with the connecting browser and the speed of the user's machine associated with the connecting browser (col.7 line 29 to col.8 line 22).

As per Claim 17-18, the server includes comprises verifying the: connecting browser and its animation player and testing for a digital rights management (DRM) agent, and an associated flash animation player (fig.1, col.29 to line 62).

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-18 of instant application 10/70,407 (hereafter '407) are rejected on the ground of nonstatutory double patenting over claims 1-10 of U. S. Patent No. 6,647,422 (hereafter '422) since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Claims 1-18 of instant application '407 are rejected under the judicially created doctrine of obviousness-double patenting as being unpatentable over claims 1-10 of '422. Although the conflicting claims are not identical, they are not patentably distinct from each other because in view of the obviousness type double patenting rationale enunciated in **Georgia-Pacific Corp. v. United States Gypsum Co.**, 195 F.3d 1322, 1326, 52 USPQ2d 1590, 1593 (Fed. Cir. 1999), both application claim subject matter that relates to computer network security that selectively allows acceptable computer transmissions to pass through it and disallows other non-acceptable computer transmissions (i.e. acting as firewalls), and the instant application's '407 above mentioned claims merely define a multi-homed modular web server (i.e. provide the access to Web server users of multiple distinct independent servers and provide additional capabilities while each server is independently configurable in order to turn different capabilities on or off or to modify operation of those servers), using multiple network addresses on a single network interface, where a virtual host (servers) assumes the identity of one of multiple, independently-configurable homes, which is a obvious variation of web server nodes delineating one network segment from another network segment and providing security and built-in animation capabilities services of the invention as claimed in patent '422.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ

April 1, 2007

Syed Zia
SYED ZIA
PRIMARY EXAMINER
AU 2131